

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THOMAS S. NEVIUS,

Plaintiff

Case No.: 2:24-cv-00795-JAD-NJK

ORDER

v.

NEVADA DEPT. OF CORRECTIONS,

Defendant

On April 24, 2024, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a document titled “Injunction.” Docket No. 1-1. Plaintiff did not file a complaint or an application to proceed *in forma pauperis* in this matter.

Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. Therefore, the Court grants Plaintiff **until July 5, 2024**, to submit a complaint to this Court.

Further, the United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. *See* 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. Special R. 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. *See* 28 U.S.C. § 1915(a)(1)–(2); Nev.

1 Loc. Special R. 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to
2 pay the filing fee, it just means that the inmate can pay the fee in installments. *See* 28 U.S.C. §
3 1915(b).

4 Accordingly, for the reasons stated above,

5 IT IS ORDERED that Plaintiff must submit a complaint to this Court on or before **July 5,**
6 **2024.**

7 IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the approved
8 form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The Clerk of the Court
9 will also send Plaintiff a copy of his “Injunction” (ECF No. 1-1).

10 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the approved
11 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled
12 information and instructions for filing an *in forma pauperis* application.

13 IT IS FURTHER ORDERED that, on or before **July 5, 2024**, Plaintiff must either pay the
14 full \$405 filing fee or file a fully complete application to proceed *in forma pauperis* with all three
15 required documents: (1) a completed application with the inmate’s two signatures on page 3, (2) a
16 completed financial certificate that is signed both by the inmate and the prison or jail official, and
17 (3) a copy of the inmate’s trust fund account statement for the previous six-month period.

18 IT IS FURTHER ORDERED that, if Plaintiff fails to timely comply with this order, this
19 action will be subject to dismissal without prejudice. A dismissal without prejudice allows
20 Plaintiff to refile the case with the Court, under a new case number, when Plaintiff can file a
21 complete application to proceed *in forma pauperis* or pay the required filing fee.

22 IT IS SO ORDERED.

23 DATED: May 6, 2024.

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26 
27 NANCY J. KOPPE
28 UNITED STATES MAGISTRATE JUDGE